

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINARECEIVED
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2007 OCT -3 A 11:00

John E. Hammond, #122180,

Plaintiff,

v.

Civil Action No. 3:07-3099

ORDERSouth Carolina Department
of Corrections, Major D. Bush;
Capt. R. Abston; Lt. B. R. Hunter;
Sgt.-Lt. C. Williams, Jr.; Sgt. D.
Harouff; Ofc. J. Jeffrey, sued in
their individual capacities,

Defendants.

This matter is before the Court upon Plaintiff's *pro se* § 1983 complaint. The record contains a report and recommendation ("R&R") of a United States Magistrate Judge, which was made in accordance with 28 U.S.C. § 636(b)(1). In the R&R, the Magistrate Judge recommends that the Court summarily dismiss the South Carolina Department of Corrections from this case under the Eleventh Amendment. The Plaintiff filed written objections to the R&R; however, nowhere in his objections does the Plaintiff respond to the Magistrate Judge's recommendation that the Court summarily dismiss the South Carolina Department of Corrections under the Eleventh Amendment. Rather, the Plaintiff seems to argue that he is entitled to summary judgment against *all* Defendants.

After a review of the record, the Court agrees with the Magistrate Judge's recommendation that the South Carolina Department of Corrections is entitled to summary dismissal, and the Court finds the Plaintiff's objections without merit. See Belcher v. South Carolina Bd. of Corrections, 460 F. Supp. 805, 808-09 (D.S.C. 1978) (dismissing the South Carolina Board of Corrections and the South Carolina Department of Corrections as parties

under the Eleventh Amendment).

Therefore, based on the foregoing, it is

ORDERED that the R&R is adopted, and the South Carolina Department of Corrections is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.



The Honorable Sol Blatt, Jr.
Senior United States District Judge

October 3, 2007
Charleston, South Carolina

